

EXHIBIT 54

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

KEITH FISCHER, MICHAEL O'SULLIVAN,
JOHN MOESER, LOUIS PIA, THOMAS
BARDEN, CONSTANCE MANGAN, and
CHARISE JONES, individually and on behalf
of all others similarly situated,

Plaintiffs,

v.

GOVERNMENT EMPLOYEES
INSURANCE COMPANY d/b/a GEICO,

Defendant.

Case No. 2:23-CV-02848 (GRB) (ARL)

DECLARATION OF APRIL NEYLAND

I, April Neyland, based on my personal knowledge and pursuant to 28 U.S.C. § 1746, declare as follows:

1. I have been an employee of Government Employees Insurance Company ("GEICO" or the "Company") since January 2004. I currently work for GEICO in its Special Investigations Unit ("SIU") as an SIU Major Case Analytics Supervisor.

2. I first joined SIU in approximately 2013. I have worked for the Company as an SIU Major Case Analytics Supervisor since approximately July 2023. In this role, I have supervised SIU Analysts only.

3. Prior to working in my current role, I worked for GEICO as an SIU Supervisor. In that role, I regularly supervised approximately 8 to 10 SIU investigators in various positions at a given time.

4. I supervised a varying number of both field-based and desk-based SIU investigators within SIU. All of my investigators generally investigated insurance fraud cases,

with my desk-based investigators working from GEICO office desks on Long Island or remotely. Only my field-based investigators actually went into the field in downstate New York and New York City.

5. Prior to the nationwide restructuring of SIU in 2023, I was assigned to the New York Region known as Region 2 within the former SIU organizational structure. Region 2 was one of a number of separate Regions in the United States within the former SIU organizational structure.

6. I have reported to William “Bill” Newport, current SIU Analytics Manager and prior SIU Manager for the former New York Region (formerly known as Region 2), since at least 2017.

7. I currently work, and have worked throughout my time in SIU since COVID-19, mostly remotely from my home on Long Island, New York. I regularly go into GEICO’s Long Island, New York office once per week. Prior to COVID-19, I usually worked from GEICO’s Long Island, New York office every work day.

JOB RESPONSIBILITIES

8. In my prior role as SIU Supervisor, my job responsibilities included approving SIU investigators working in different roles’ cases worked, coaching and training them, side-by-side shadowing of field-based SIU investigators at least once a month, auditing SIU investigators in different positions’ case files, approving their time off requests, and participating in management meetings, among other things.

9. While in my prior role, an intake associate would determine, among other things, whether a particular incoming case required field work or could be completed by a desk-based investigator and the geographic scope of a given case requiring field work. I worked to assign

cases so that no investigator in any position would be overloaded with work and generally used a round-robin system to best try to keep caseloads evenly assigned among my investigators.

10. If a case required any field work tasks to be completed, only field-based SIU investigators would be able to and did perform such tasks. Such tasks included physically driving to locations to investigate, physically performing scene canvasses on-site, and face-to-face interviews and examinations under oath (“EUOs”).

11. There were times during the year – for example, in the summer months when more investigators across the positions took time off for vacation – when some investigators I supervised had more cases than others, but generally that would even itself out over the course of the year as those investigators then took their own vacations, etc.

WORK HOURS / TIMEKEEPING OF SIU INVESTIGATORS

12. The SIU investigators in different roles I supervised had a regularly work schedule of Monday through Friday, 7.75 hours per day, totaling 38.75 hours per work week.

13. The schedules for desk-based investigator roles and field-based investigator roles were different because investigators in desk-based roles regularly worked set hours each work day, while those working in field-based investigator positions had more flexibility due to the nature of their remote fieldwork.

14. For example, desk-based investigators regularly worked a set schedule, such as 7:00 am to 3:30 pm or 8:00 am to 4:30 pm, five days per week, while field-based investigators I supervised had more freedom to determine their own working hours within each work day and work week.

15. Work hour flexibility was at the discretion of each investigator's supervisor in my Region, and I almost always allowed all of the investigators that I supervised to flex their work hours within each work week as they needed, regardless of their work position.

16. If a field-based investigator was completing an EUO at 2:00 p.m. on a Tuesday, for example, he or she could start his or her work day later since, otherwise, he or she might hit traffic on the way to and coming back from the EUO. As another example, if an individual working in a field-based investigator role wanted to perform three on-site physical scene canvasses on a Saturday instead of a Thursday in Brooklyn in order to avoid weekday traffic between Long Island and New York City, I regularly allowed him or her to do so as long as he or she flexed his or her hours within that workweek. Desk-based investigator positions did not need similar flexibility because they physically worked from a desk or from their homes and never went into the field to complete their job responsibilities.

17. As long as a field-based investigator's weekly work hours totaled around 38.75, I allowed the field-based investigator to flex his or her daily work hours within a given work week.

18. In my experience, field-based investigators who reported to me enjoyed the flexibility provided by this practice.

19. All SIU investigators working for me (regardless of actual job positions) have always been responsible for ensuring that they properly and accurately enter all of their time worked for GEICO, including all hours beyond 38.75 in a work week and all overtime hours worked over 40 in a work week.

20. If any of the SIU investigators in any position that I supervised needed to work more than their scheduled hours in a day, they could almost always adjust their schedules by

working fewer hours on another day in the same work week. I do not recall ever denying a request by any SIU investigator in any role to “flex” their hours within the same work week.

21. I do not believe that any of the SIU investigators who reported to me in any role needed to work overtime hours to complete their regular assigned casework.

22. On a number of occasions, such as immediately after “catastrophes,” former Region 2 would receive approval for special overtime projects during which we offered available overtime hours to SIU investigators in various roles based on the nature of the project. I recall that the available overtime hours were generally offered to all SIU investigators in different positions (including, for example, both desk-based and field-based positions), unless there was only a need for a specific type of work (e.g., field work only). We would ask all applicable SIU investigators in the roles at-issue whether they wanted to work the available overtime hours. The field-based investigators who reported to me rarely volunteered to work available overtime hours on these occasions, and some never volunteered to work available overtime hours on such occasions.

23. I always told the SIU investigators in different roles who I supervised to always enter all of their time worked so that they could be properly compensated for all such time – including the very rare occasions that required overtime hours worked over 40 in a given work week. For example, I can recall one week during which a field-based investigator had additional EUOs, requiring that individual to exceed their regularly scheduled work hours for the week. I told the individual to put in all time worked and that I would get it approved, which I did.

24. All SIU investigators that I supervised were required to submit their hours worked by the end of the work week. I would then review and approve the hours so that they could be processed and paid for all hours entered. At some point, my supervisees began inputting their

work hours on a daily basis for my review and approval, but I do not recall when that change occurred.

25. My message to the SIU investigators I supervised was always the same: enter any time that you are working so that you are compensated for all of your time worked.

26. I never clocked out any of the SIU investigators I supervised, regardless of job position, while they were still working or shaved off any of their time. I never failed or refused to approve hours entered by an SIU Investigator.

27. I never told any of the SIU investigators I supervised, regardless of job position, that they would not be paid for all of their hours worked.

28. I never told any of the SIU investigators I supervised, regardless of job position, that they should perform work off the clock, and I always told them to put in for all of their time to ensure that they were properly compensated for all of their hours worked. On the rare occasion when I noticed one of my supervisees seemingly working longer hours than his or her regularly scheduled work, my practice was to ask the investigator if he or she planned to flex time in order to work fewer hours later in the week.

29. None of the SIU investigators I supervised, regardless of job position, ever complained about being forced to work off-the clock or not being properly paid for all of the hours they worked or submitted to GEICO as having worked.

30. I have never been told by my supervisor or anyone at GEICO to clock out the SIU investigators I supervised, regardless of job position, when they were still working or to shave off or underreport any of their time.

31. I have never been told by my supervisor or anyone at GEICO to not permit the SIU investigators I supervised, regardless of job position, to log all of their overtime hours.

32. GEICO forbids its employees from working off the clock.

33. A large percentage of our SIU investigators in various roles in Region 2 were very highly rated as top performers at GEICO in the SIU for many years.

PARTICIPATION

34. I am providing this statement of my own free will. I have not been threatened, coerced, or in any way intimidated by GEICO or its attorneys concerning any aspect of this declaration.

35. I understand and acknowledge that GEICO will not retaliate or take any negative action against me for making this declaration or for not making this declaration, if I elect not to make it.

36. I have not been promised anything in exchange for making this declaration and understand that I will not be subject to favoritism or receive any benefit from GEICO for providing this declaration.

I declare under penalty of perjury that the foregoing is true and correct.

May 15, 2024

Date

DocuSigned by:

April Neyland

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April Neyland